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#### SURFACE TRANSPORTATION BOARD

1 UPS 2nd DAY AIR

February 14, 2008

# FIRST UNION RAIL

One O'Hare Centre 6250 River Road, Suite 5000 Rosemont, IL 60018

Tel 847.318.7575 Fax 847.318.7588 www.firstunionrail.com

> Mr. Vernon Williams Surface Transportation Board 395 E Street, S.W., Suite 100 Washington, D. C. 20024

Attn: Recordation of Railroad Equipment

Re: Memorandum of Lease Agreement

Dear Mr. Williams:

Enclosed for recordation pursuant to the provisions of 49 U.S.C Section 11301(a) are two (2) originals and one (1) copy of a Memorandum of Lease Agreement dated February 5, 2008, a secondary document as defined in the Board's Rules for the Recordation of Documents The enclosed document relates to the Lease Agreement which was duly filed with the Surface Transportation Board under Recordation Number 23348.

The names and addresses of the parties to the enclosed document are:

Lessor: First Union Rail Corporation

One O'Hare Center

6250 River Road, Suite 5000

Rosemont, IL 60018

I essee:

GLNX Corporation

2201 Timberloch Place

Suite 125

The Woodlands, TX 77380

A description of the railroad equipment covered by the enclosed document is two (2) 5250 cu. ft. capacity, covered hopper cars; having NDYX marks (see Exhibit A for car numbers).

A short summary of the document to appear in the index follows:

Memorandum of Lease

Also enclosed is a check in the amount of \$35.00 payable to the order of the Surface Transportation Board covering the required recordation fee. Kindly return one (1) stamped original of the enclosed document to the undersigned along with the additional copies.

If you have any questions regarding the above-referenced matter, please contact me at (847) 384-5397. Thank you for your cooperation in this matter.

Very truly yours,

Marcia Dunne

Rail Documentation Specialist

Enclosures (GI NX012) ASSGN. NO.: GLNX012

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## MEMORANDUM OF LEASE

SURFACE TRANSPORTATION BOARD

THIS MEMORANDUM OF LEASE (the "Memorandum") is made and entered into as of this the day of \_\_\_\_\_\_, \_\_\_\_, \_\_\_\_\_, by and between First Union Rail Corporation ("Lessor"), a North Carolina corporation, and GLNX Corporation ("Lessee"), a Texas corporation.

### WITNESSETH:

The undersigned Lessor and Lessee have entered into that certain Lease Agreement (the "Lease"), dated as of April 16, 2000, whereby Lessor has agreed to lease to Lessee certain railcars pursuant to Rider No. 9 to the Lease (the "Rider"), as described in more particular on Exhibit A attached hereto, effective as of January 18, 2008, and subject to the terms, conditions and provisions of the above-mentioned Lease and Rider.

IN WITNESS WHEREOF, the parties hereto have each caused this Memorandum to be duly executed under seal by their respective officers duly authorized as of the date and year first above written.

	LESSOR:
ATTEST:	FIRST UNION RAIL CORPORATION  By: Ruful of Seymon
	Name: RICHARD F SEYNITUR VICE PRESIDENT SACES WAFKETING
By: Susan Guikulahy	Title:
Name: SUSAN GROKULSKY ASST. DIRECTOR OF Title: DOCUMEN TATION	Executed on this 5th day of February 2008
[CORPORATE SEAL]	
COUNTY OF COCK  I, GEORGIA TREUSURGER, a Notary Public of the County and State aforesaid, certify that RICHARD F. SEYMOUR personally appeared before me this day and acknowledged his/her due execution of the foregoing Memorandum of Lease	
WITNESS my hand and official stamp or seal, this	
Commission Expires:	
(Notary Public)	OFFICIAL SEAL GEORGIA FREIBURGER KOTARY PUBLIC, STATE OF ILLINOIS

LESSEE: **GLNX CORPORATION** ATTEST: By: Name: 6 UP SALES + MARKeting By: Name: Executed on this 28 day of January, 2008. Title: [CORPORATE SEAL] STATE OF TEXAS COUNTY OF Montgomery herul A. Nine, a Notary Public of the County and State aforesaid, certify that Jeru Suchorn pers acknowledged his/her due execution of the foregoing Memorandum of Lease. \_\_\_\_\_ personally appeared before me this day and WITNESS my hand and official stamp or seal, this day of January, 2008. Commission Expires: CHERYL A. NINE MY COMMISSION EXPIRES **AUGUST 7, 2010** 

# **EXHIBIT A** MEMORANDUM OF LEASE

NUMBER OF CARS: Two (2)

5250 cubic foot capacity, plastic pellet, lined covered hopper cars with 268,000 GRL (Car Type: C214). DESCRIPTION OF CARS:

**CAR NUMBERS:** NDYX 879140 and NDYX 879177